

## **COUNCIL/ADMINISTRATIVE POLICY**

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### **1. PURPOSE**

This policy sets forth authorized employees and authority levels of those employees to act on behalf of the City of Brentwood in the execution of certain documents.

### **2. POLICY**

#### **2.1 Applicability**

The provisions of this policy apply to the execution of documents by authorized City employees that are not otherwise provided for by Council/Administrative Policies or that are approved by previous Council action in order to comprise a comprehensive listing, and that the City Attorney has approved to form. In order for agreements which require expenditures to be executed, expenditures must be included in the approved budget or the agreement includes language, as approved by the City Attorney, to allow for termination of the agreement if the City Council does not appropriate the funds necessary to continue the agreement.

Employees authorized below may delegate their authority by notifying the Director of Finance and Information Systems and the City Attorney in writing by email or memorandum.

#### **2.2 Authorized Signatures**

##### **2.2.1 Agreements, Contracts, Amendments or Change Orders for goods, maintenance or services**

In order for any department to purchase or contract for goods, maintenance and/or services they may do so in accordance with the purchasing procedures prescribed in Policy No. 10-7 (Purchasing).

The following employees are authorized to execute those agreements, contracts, amendments or change orders where the total annual commitment does not exceed the amounts stated below or the agreement, contract, amendment or change order falls within the contingency amount approved by the City Council:

City Manager	\$50,000
City Attorney	\$50,000 for Legal Services
Department Directors	\$10,000 for agreements other than Legal Services

##### **2.2.2 Agreements, Contracts, Amendments or Change Orders for utility crossings, design review, encroachments, easements and right of entry with local agencies, districts or utilities.**

The following employees are authorized to execute those agreements, contracts, amendments or change orders where the annual commitment does not exceed the amounts stated below or the agreement, contract, amendment or change order falls within the contingency amount approved by the City Council:

City Manager	\$50,000
Department Directors	\$10,000

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### **2.2.3     Agreements, Contracts, Amendments or Change Orders where the City is providing goods, maintenance or services**

The City Manager is authorized to execute those agreements, contracts, amendments or change orders where the City is providing the goods, maintenance or services to a public or private entity where the annual commitment by the City does not exceed \$50,000 per fiscal year.

### **2.2.4     Claims and Settlements**

The City Manager is authorized to settle, approve or reject claims or litigation in an amount not to exceed \$25,000. In addition, the City Manager is authorized to sign agreements and/or approve payments for action taken in closed session by the City Council.

### **2.2.5     Agreements, Contracts, Amendments or Change Orders where the City is Landlord/Tenant, Licensee/Licensor or Facility User**

The following employees are authorized to execute those agreements, contracts, amendments or change orders with public or private entities where the City is Landlord/Tenant, Licensee/Licensor or for temporary use of a facility by the City where the total annual commitment does not exceed the amounts stated below:

City Manager	\$50,000
Department Directors	\$10,000

### **2.2.6     Real Property on the City's Behalf**

After the City Attorney approves a particular document or instrument to form, the City Manager or the City Engineer may accept on behalf of the City Council:

- All rights of entry so long as each right of entry is memorialized in a written document signed by the property owner.
- Rights of entry are defined as possessory interests in real property whereby the City is authorized, for a short duration and for a limited purpose, to enter under real property and engage in work for the public benefit.
- Offers of Dedication of an easement, right of way or fee interest in real property so long as each offer is evidenced by a written instrument signed by the offering property owner.
- Offers of Dedication are defined as the conveyance of real property for public use as an outright donation, in exchange for the granting of any land use entitlement by the City (such as subdivision maps, building permits or zone changes) or to satisfy mitigation requirements resulting from an environmental review.
- All property acquisitions or exchanges of an easement or fee interest in real property so long as a written instrument is signed by the seller.

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- All other interest in real property not stated above, in accepting all subdivision map offers of dedication.

The City Clerk shall utilize the Certificate of Acceptance, substantially in the same form as defined in Government Code Section 27281, and record the Certificate along with the instrument conveying the offer of dedication or minor property acquisition with the County Recorder.

Minor property acquisitions are defined as negotiated acquisitions not under the threat of eminent domain for minor real property interest in the nature of an easement or fee interest for a public purpose.

The City Clerk shall not separate or divide real property interests into several, separate interests in order to achieve a delegable right of entry, offer of dedication or minor property acquisition hereunder.

### **2.2.7 Disability Retirement**

The City Manager is authorized to make determinations under Section 21152(C) of the Government Code, on behalf of the City, of disability and whether such disability is industrial and to certify such determinations and all other necessary information to the Public Employees' Retirement System.

The City Manager is authorized to make applications on behalf of the City for disability retirement of all employees and to initiate requests for reinstatement of such employees who are retired for disability.

### **2.2.8 Notices of Completion for Projects**

The City Manager is authorized to direct staff to file notices of completion for projects that were not awarded by the City Council up to \$50,000.

### **2.2.9 Agreements for Employee Benefits with Outside Vendors**

The City Manager is authorized to execute agreements, contracts or amendments for employee benefits with outside vendors that are included in a City Council approved Memorandum of Understanding or Agreement.

### **2.2.10 Affordable Housing Agreements and Related Documents**

Provided that the documents are consistent with Municipal Code Chapter 17.725 Affordable Housing, if applicable and Health & Safety Code Section 33000, et seq. if applicable, the City Manager is authorized to execute agreements, contracts, amendments, resale controls, rent restrictions and any other documents necessary to implement the provisions of Chapter 17.725, if applicable and Health & Safety Code Section 33000 if applicable.

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### **2.2.11 First Time Homebuyer Agreements and Related Documents**

Provided that the documents are consistent with the Council approved First Time Homebuyer's Program the City Manager and/or Housing Manager is authorized to execute loan agreements and any documents necessary to implement the terms and provisions of the Loan Agreements and the First Time Homebuyer's Program, subject to any revisions approved by the City Attorney.

### **2.2.12 Credit Applications**

Credit applications often contain agreement language. The Director of Finance and Information Systems or designee is authorized to sign credit applications after City Attorney review of the credit application.

### **2.2.13 Department of Motor Vehicles ("DMV") Paperwork**

Pursuant to Council/Administrative Policy 10-7, Purchasing Policy, the Director of Finance and Information Systems is authorized to surplus City assets. In order for equipment that is registered with the DMV to be surplus, DMV paperwork must be signed. The Director of Finance and Information Systems or designee is authorized to sign DMV paperwork for the City of Brentwood.

### **2.2.14 Grant Applications**

Due to the time sensitive nature of Grant applications, the City Manager may execute Grant application paperwork for grants that do not bind the City monetarily for more than \$50,000 annually.

### **2.2.15 Lien / Lien Release**

The Director of Finance and Information Systems is authorized to execute and record liens in accordance with Municipal Code Section 1.12.110 and lien releases in accordance with Council/Administrative Policy 10-15, Collection Policy, as either may be amended from time to time.

### **2.2.16 Assessments**

The Director of Finance and Information Systems is authorized to approve special assessments in accordance with Municipal Code Section 1.12.110, as amended from time to time.

### **2.2.17 Uncollectable Receivables**

The Director of Finance and Information Systems is authorized to write-off uncollectible receivables in accordance with Council/Administrative Policy 10-5, Budget and Fiscal Policies, as amended from time to time.

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### **2.2.18 Bank Accounts**

Certain named individuals are authorized by Council/Administrative Policy 10-11, Authorized City Officials, Executives and Employees Regarding Warrants, Banking, Trust and Investment Accounts, as may be amended, to sign checks, facsimile is acceptable, or other instruments for the withdrawal of moneys in the operating account.

### **2.2.19 Banking Documents**

Government Code Section 53649, makes the Director of Finance and Information Systems (Treasurer) responsible for the safekeeping of money in his or her custody and he or she shall enter into contracts with a depository relating to any deposit which in his or her judgment is to the public advantage. This policy gives authority to the Director of Finance and Information Systems to sign required escrow and/or banking documents regarding such deposits on behalf of the City.

### **2.2.20 Standard Pre-Litigation and Litigation Procedural Documents**

The City Attorney or his/her designee is authorized to sign standard pre-litigation and litigation procedural documents, such as continuances, tolling agreements, conflict waivers and joint defense agreements, where such documents do not result in a final settlement of the underlying litigation.

### **2.2.21 Agreements Approved by the City Council**

City officers and employees designated by the City Council to sign agreements by resolution or minute order, as described within Section 40602 of the Government Code, are authorized to execute such documents.

### **2.2.22 Utility Relocation Agreements up to \$50,000**

The Public Works Director/City Engineer is authorized to sign utility relocation contracts up to \$50,000. This authority is necessary for projects that require an immediate response (signed contract) in order to remain within the utility construction schedule.

### **2.2.23 Regulatory Reporting**

The City Manager is authorized to delegate signature authority for regulatory reporting to a designee. An example of this reporting is the requirement by the State Water Resources Control Board (SWRCB) that a "legally responsible official" be authorized to enter and certify data into the online database on behalf of their agency.

### **2.2.24 Letters of Support or Opposition**

- 2.2.24.1 The City Manager; or Department Directors, with the approval of the City Manager, are authorized to sign letters of support or opposition of an organization, governmental entity or legislation when the organization or legislation relates to:

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- A position taken by the League of California Cities on a matter, unless the City Council has taken a contrary position.
- Legislation regarding projects approved by City Council.
- Items routine in nature, experienced in the normal course of conducting business of the City.
- A previously approved City Council position.

2.2.24.2 The City Attorney, in consultation with the City Manager, is authorized to sign legal briefs and/or letters related to:

- Legislation supporting a position taken by the League of California Cities on a matter, unless the City Council has taken a contrary position.
- Legislation regarding projects approved by City Council.
- An Attorney General's Opinion, judicial proceeding or judicial opinion, when in his or her professional opinion the letter is in the best legal interests of the City of Brentwood.

2.2.24.3 Letters of support or opposition signed in accordance with the provisions of this section require a copy to be submitted to the Mayor and City Council.

### **2.25 Addenda to Master Permits to Enter and Use Property**

The Chief of Police is authorized to execute addenda to Master Permits to enter and use school district properties for police training purposes without the addenda being first approved to form by the City Attorney, so long as the City Attorney has approved to form the Master Permit and sample addendum attached thereto.

### **2.26 Software Terms and Conditions**

In conformance with the signature authority levels in Section 2.2.1 of this Policy, a Department Director or the City Manager in consultation with the City Attorney is authorized to sign agreements for the installation, use, support or maintenance of software, without the subject agreement being approved to form by the City Attorney.